



Secretary

Dkt: 0575/61150/JPW/APE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Paul B. Fisher and Zao-Zhong Su
U.S. Serial No. : 09/621,781
Filed : July 21, 2000
For : NUCLEIC ACIDS COMPRISING REGIONS OF THE
RAT PEG-3 PROMOTER THAT DISPLAY
ELEVATED EXPRESSION IN HUMAN CANCER
CELLS AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
November 15, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
OCTOBER 6, 2000 NOTICE TO FILE MISSING
PARTS OF NONPROVISIONAL APPLICATION UNDER 37 C.F.R. §1.53(b)**

This Communication is submitted in response to the October 6, 2000 Notice to File Missing Parts of Application Under 37 C.F.R. §1.53(b) issued in connection with the above-identified patent application. A copy of the October 6, 2000 Notice is attached hereto as **Exhibit A**. A response to the October 6, 2000 Notice is due on December 6, 2000. Accordingly, this Communication is being timely filed.

The October 6, 2000 Notice stated that the application does not comply with 37 C.F.R. 1.53(b) because the oath or declaration is unsigned and to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.116(e) of \$65.00 for small entity in compliance with 37 C.F.R. §1.27, must be submitted with the missing items identified in the October 6, 2000 Notice.

Applicant hereby submits an executed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §1.63 (attached as **Exhibit B** hereto). The Declaration

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refers to the application's above-identified serial number and filing date.

A check for a total amount of \$65.00 is enclosed herewith to cover the surcharge for filing a Declaration and Power of Attorney.

No fee, other than the \$65.00 surcharge is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John P. White".

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents,
Washington, D.C. 20231.

John P. White
Reg. No. 28,678
Jane M. Love
Reg. No. 42,812

Date

11/15/00

John P. White
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(212) 278-0400



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/621,781	07/21/2000	Paul B. Fisher	61150/JPW/JML

John P White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036



FORMALITIES LETTER



OC00000005458403

Date Mailed: 10/06/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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APPL PARTS

____ IMIS ____
Internal Misc. Paper

____ LET. ____
Misc. Incoming Letter

____ 371P ____
PCT Papers in a 371 Application

____ A... ____
Amendment Including Elections

____ ABST ____
Abstract

____ ADS ____
Application Data Sheet

____ AF/D ____
Affidavit or Exhibit Received

____ APPENDIX ____
Appendix

____ ARTIFACT ____
Artifact

____ BIB ____
Bib Data Sheet

____ CLM ____
Claim

____ COMPUTER ____
Computer Program Listing

____ CRFL ____
All CRF Papers for Backfile

____ DIST ____
Terminal Disclaimer Filed

____ DRW ____
Drawings

____ FOR ____
Foreign Reference

____ FRPR ____
Foreign Priority Papers

____ IDS ____
IDS Including 1449

Internal

____ SRNT ____
Examiner Search Notes

____ CLMPTO ____
PTO Prepared Complete Claim Set

____ NPL ____
Non-Patent Literature

____ OATH ____
Oath or Declaration

____ PET. ____
Petition

____ RETMAIL ____
Mail Returned by USPS

____ SEQLIST ____
Sequence Listing

____ SPEC ____
Specification

____ SPEC NO ____
Specification Not in English

____ TRNA ____
Transmittal New Application

OUTGOING

____ CTMS ____
Misc. Office Action

____ 1449 ____
Signed 1449

____ 892 ____
892

____ ABN ____
Abandonment

____ APDEC ____
Board of Appeals Decision

____ APEA ____
Examiner Answer

____ CTAV ____
Count Advisory Action

____ CTEQ ____
Count Ex parte Quayle

____ CTFR ____
Count Final Rejection

____ ECBOX ____
Evidence Copy Box Identification

____ WCLM ____
Claim Worksheet

____ WFEE ____
Fee Worksheet

____ CTNF ____
Count Non-Final

____ CTRS ____
Count Restriction

____ EXIN ____
Examiner Interview

____ M903 ____
DO/EO Acceptance

____ M905 ____
DO/EO Missing Requirement

____ NFDR ____
Formal Drawing Required

____ NOA ____
Notice of Allowance

____ PETDEC ____
Petition Decision

INCOMING

____ AP.B ____
Appeal Brief

____ C.AD ____
Change of Address

____ N/AP ____
Notice of Appeal

____ PA.. ____
Change in Power of Attorney

____ REM ____
Applicant Remarks in Amendment

____ XT/ ____
Extension of Time filed separate

File Wrapper

____ FWCLM ____
File Wrapper Claim

____ IIFW ____
File Wrapper Issue Information

____ SRFW ____
File Wrapper Search Info

BACKFILE DOCUMENT INDEX SHEET

12/11/00
20/11/00